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 6 April 1989

In labelling an ongoing situation a "crisis," the president is saying: "Watch this. Watch me."

He directs attention to the White House, even though the ensuing decision process may be shrouded in special secrecy: which can also serve to focus attention: suspense, mystery, anxiety...What is happening? When will they tell us? What will he do? Wait.

("No one knows what he will do," said Max Frankel on May 8, 1972, as the NSC met to hear Nixon's decision to mine Haiphong: while I sat in despair, knowing what he would do.)

He is also saying: There is no time for consultation, or adequate consultation: of Congress, allies, public debate. No time for going through channels, normal procedures. I must decide.

In other words, it is an emergency. Emergency procedures, rules, apply: whether or not (as in pre-Hitler Germany) they are provided for in the Constitution. The "normal" Constitution and laws are suspended. It is like a State of Emergency, or State of Siege.

Usually it is implied: the national security is at stake. This is normally taken to mean: many lives are at stake; the defense of the country, or our forces, against attack is at stake. Or it may mean: major national policies or institutions are threatened with sudden, unforeseen failure, or challenge. (The underlying problem seen or felt by the leadership may be very different from these; but these are suggested, projected to the public).

This description of the situation--which may be internal to the government, hidden at first, or indefinitely, from the public--suggests to those made aware of it, a possible need and justification for using means that would normally be rejected or forbidden: violent, dangerous, deceptive, illegal, unconstitutional, violating earlier promises, agreements or predictions, highly costly, unpredictable or uncontrollable, creating dangerous precedents, risking destructive side-effects or "collateral damage," indiscriminately murderous, risking or initiating war...

Indeed, there is an incentive--perhaps unconscious--to perceive a situation as a crisis, to perceive an urgent, overwhelming threat, in order to claim a freedom from ordinary procedures and consultation, and from restrictions on means, so as to use such means on a variety of preexisting problems that would

not otherwise be held to justify them.

The "proclamation" or perception of a "crisis" has the form and substance of a defense of necessity or justification in legal proceedings, proposing to justify acts that would under other circumstances be forbidden (illegal) on the grounds that they were necessary in this instance to avert greater harm that was otherwise imminent. Where "imminence" is an element of the defense, as is usual, the defense effectively applies to "crises," as the term is used by national security officials.

The other elements of the legal defense are also relevant: A lack of alternatives that would be both "legal"--or, without the drawbacks described above, that would "normally" preclude such means--and effective. A lack of time to wait for or create such alternatives (the harm to be averted is "imminent"). Reason to believe that the normally-forbidden means can be effective in averting the harm.

But why has this situation arisen? Why the failure to have prepared legal or acceptable measures to deal with such a problem, in time? The usual answer, usually realistic, is that the events, in these circumstances, were unprepared-for because they were regarded as very unlikely or wholly unforeseen, and (not quite the same thing) very surprising. But that raises the questions: Why unforeseen? Why surprising? Should blame attach to these faulty predictions, or not?

Great secrecy, even long after the events, generally surrounds the decision-making process of a crisis, and many lies are commonly told about it, precisely to escape blame of the leaders or staffs over issues like these, since surprise is ordinarily admitted (sometimes exaggeratedly) to be an element of the crisis. And wise, prudent leaders with expensive, competent staffs and intelligence apparatuses are not supposed to be surprised; there is a presumption of failure by someone or some subsystem when it occurs. And the leader, or party in power, is ultimately accountable for any failure...

On the day the U-2 photographs of the Soviet missiles were being taken, McGeorge Bundy, the President's National Security Assistant told the public on the program Face the Nation that the administration had no evidence and no expectation that the Soviets would deploy missiles in Cuba.

It was untrue that there was no evidence. The administration later emphasized, "no 'hard' evidence," which comes close to saying, no photographs; but the U-2 flight plan was designed, in fact, to check out some suspicions from evidence--enough to have convinced, for example, Paul Nitze that missiles were there before the flight was scheduled--including some new, persuasive reports of missile sightings which turned out to be accurate.

But it was also true (according to the then Deputy Director of CIA for Intelligence, Ray Cline, who brought the news to Bundy and to the President) that John F. Kennedy was surprised. By that very fact, he now had a problem. (He had a number of problems, of which this was one: but not the least). Sooner or later, he was going to have to explain why he was surprised.

He could say, falsely, he had not been surprised. This lie, very common under such circumstances, would in this case create new challenges: Why had he, and his assistants, lied, then, in predicting otherwise on September 4 and 13, and as recently as October 14? That path was not promising. Why, then, had he been misled?

A major reason was that the Soviets had taken extraordinary steps to keep their deployment secret, with an effectiveness that US intelligence analysts had not foreseen. They managed, in particular, to keep any mention of the move from occurring in radio communications, which we were monitoring; or from being visible, in transit, to photographic surveillance.

[Summarize: Soviet officials--some of them personally unaware of the move, like Dobrynin--passed on assurances which Kennedy officials took to be unequivocal promises not to put ground missiles in Cuba that could reach the United States. Actually, most of these assertions did not take this unequivocal form, but promised only that Soviet military aid would be "defensive" in character. Throughout the crisis the Soviets maintained consistently that they believed this description covered their missiles, and this is, in fact, very reasonable.

Of course, those who knew of the planned movement knew that their assurances were potentially misleading, since Kennedy made it clear in his September statements that he used the term "defensive" more restrictively, to exclude missiles capable of reaching the US. Moreover, Soviet officials have retrospectively admitted that Khrushchev wanted to be misleading in this period of transit.

But the record--usually misquoted by American officials and accounts relying on them--suggests that the Soviets meant to avoid outright, unequivocal lies, relying for misdirection rather on evasion and ambiguity, in which they were not in fact pursued.

In other words, their verbal performance was well within the normal realm of diplomacy; they probably meant to point to this record, after disclosure, as defense against recriminations of improper or reckless deception. They could well say that it was strikingly easy to deceive the Americans on this point.

There was so little probing, in fact, of Dobrynin's ambiguous formulations about "defensive" armaments that those in the know might well have questioned whether the Americans were truly being

deceived, or whether they wanted to be deceived or to be able to claim that they had been deceived, on the record, so that they could claim surprise, afterwards, as an excuse for inaction.

As it turned out, the Americans used their surprise as an excuse for extraordinary action; but again, the deception came so easily, without any need for direct Soviet lies, the Soviets may, during the crisis, have questioned the sincerity of the surprise. They may have felt that they had been sandbagged, that Kennedy had wanted the crisis, wanted to humiliate Khrushchev and attack Cuba, perhaps even wanted to provoke the Soviets into blockading Berlin. (The last suspicion has been explicitly reported by the Soviets recently).

[Recall my own hypotheses about the Soviet strategy, not fully disproven: That Khrushchev hoped, if he were found out, that Kennedy would prefer to "remain ignorant" long enough to be wholly surprised when the Soviets announced the missiles; and that Kennedy would then consider it too late and too risky to attack the missiles.

The PSALM clearance and Kennedy's extraordinary restrictions on dissemination of the raw evidence of offensive weapons would have only looked to Khrushchev, if he had known of these, as confirming these hopes: preparations to behave just that way. Likewise the unchallenging behavior of Kennedy officials in discussion; and, of course, Kennedy's failure to confront Gromyko or, according to Gromyko, to ask him directly at all about missiles.

All this is consistent, perhaps not by chance, with a hypothesis of Kennedy's intent at least to hold open the option of behaving this way. He could have changed his mind because missiles appeared--in hard evidence--too long before the election; too soon for the hard evidence to be withheld that long. (This is a brand new thought for me, as I write: 6 April 1989).

Alex George has written that there was a report--he does not cite a reference--that Kennedy's first reaction on being told of the photos of the missiles by Bundy was to ask whether the news could be held till after the election! Bundy denies this. (CHECK refs] (It would be what I expected from my hypothesis in 1964).

But Bundy does mention his extreme concern to avoid leaks; he even gives this as a reason for not telling the President on the evening of October 15! (The President "would have stirred up his administration by telephone calls and meetings that could easily have led to leaks. It seemed better to wait twelve hours and protect both his sleep and the secret." 396.

[Sure. Instead, Bundy called up a number of people, who were at various dinners. And Kennedy had to go into meetings Tuesday

morning with people who had had 12 more hours of reflection than he--in a situation where everyone claims that made a lot of difference--and without the option of excluding from knowledge those who Bundy had chosen to tell: in a situation where the President had earlier taken unprecedented control of dissemination.

Was the list told--hence, the core of the ExComm--precisely those with PSALM clearance? They would have had to be; so in that sense they were already cleared by the President.]

[Though as for first reactions: we are told that most people's first reaction was hawkish, in favor of air strike. But that is really at the ExComm meetings, after the President had announced his first preference, for airstrike. We haven't been told what others' first reaction actually was. But my interviews with Nitze and Yarmolinsky gave me quite different data on them, Rusk and McNamara.

Maybe it was precisely the President--the one most exposed--who reacted so violently on his first hearing, not the others: who climbed aboard his reaction on hearing it, then got off, some of them, as he himself backed off: leaving some hawks up in the air, convinced the President had got it right the first time, surprisingly, and must not be encouraged to retreat.]

Bundy goes on: "The president felt even more strongly about secrecy than I did. In his bedroom on Tuesday morning he recognized the need at once, and he drove the point home later that morning at his first meeting with those he had chosen to share his problem. Extraordinary precautions must be taken to prevent leaks. [No mention here or elsewhere by Bundy, or anyone else, of the extraordinary precautions that had been in effect for over a month!] Moreover the immediate danger, as almost all of us knew almost instinctively, was not from Russian spies but from American newsmen who, fortunately for us, did not know the race was on. We could not know, that first morning, how much time we had, and we did not set a deadline for decisions and public announcements, but we guessed correctly that we had a few days to a week." 396 [leaks began in three days, serious by Sunday, 5 days]

Thus: a) deadline was set by leaks, not (just) operational status of missiles.

b) Secrecy period was--calculated; and quickly calculated to be short of election.

c) So the PSALM system helped; but not, perhaps, for the purpose originally intended or hoped.

d) Possible miscalculations: McCone, after all, expected the missiles to go in later, after the SAMS were operational (and

presumably were being used to deter overflight). That would have been either after the election, or just before it. If one wanted to avoid reacting, or admitting, before the election, the problem would have been to avoid leaks, not of hard evidence, but of suspicious preliminary moves until just before or after the elections. Hard evidence--Bundy here estimates, along with high-level discussions by cleared officials--could only be kept for a week; but even McCone did not expect hard evidence of missiles to be available till after, roughly, October 27--when the SAMS went operational--i.e., about a week before the election.

As for the Soviets: they claim Khrushchev was assured by the general in charge that the whole move and installation could be secret. (Could that have applied to the move alone? Remarkably, that was kept wholly secret, contrary to what CIA would have thought possible. (??)) It seems hard to believe that Khrushchev could have believed that for the installation. (Sergei Mikoyan says he and his father did not believe it. Did they see this as critical?)

But Khrushchev may have overestimated the time during which he thought Kennedy could sit on photographic evidence of the installation. (Maybe he was misled by Eisenhower's ability to hold onto the whole U-2 operation for years, with never a leak! His mistake may have been not to notice that the U-2 was then coming up with negative evidence of the presence of missiles, evidence that there were no missiles, evidence that undermined the hawks and the arms race! Kennedy's ability to sit on evidence that there was a new reason to invade Cuba was entirely different!

Given McNamara's and Bundy's reaction to the prospect of unauthorized firing (I take it, "under these circumstances": which did not really justify even a remote possibility of a single warhead on the US: to say that is to say that the threats really were total bluffs, or should have been. Yet...as Sorensen points out, a process was underway--launched and continued by Kennedy--which might well have ended with such a decision by Kennedy, justified or not! Does Bundy really deny this? If not, how can he justify, in retrospect, his and Kennedy's prolongation of the process generating these pressures? There was a chance, not only of US attack on the Soviet missiles, but of further escalation that could eventually lead either to the unauthorized launching of a Soviet or US missile somewhere, but to the president's or Khrushchev's own decision to launch one or more. Under the course underway, though by October 27 these were all uncertain contingencies, the joint probability of all the ways this might come about multiplied by their respective probabilities (including the probability that the president would attack the missiles on Cuba) was at least as great as the conditional probability of an unauthorized Soviet launching under attack if the president had decided, that day, definitely to attack the missiles in Cuba. And that latter conditional probability, in Bundy's judgment (and he believes, the president's) was too high to justify such an action. He believes it would have precluded it. Therefore, why were his decisions of October justifiable? (see Bundy 453; and 425.)